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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,717	03/27/2000	Pankaj K. Jha	0325.00344	4069
21363	7590	02/16/2005		EXAMINER
CHRISTOPHER P. MAIORANA, P.C. 24840 HARPER ST. CLAIR SHORES, MI 48080			GEORGE, KEITH M	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/535,717	JHA, PANKAJ K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Keith M. George	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 October 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-10,12,13 and 15-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 16-22 is/are allowed.

6) Claim(s) 1,3,4,10,12,13 and 15 is/are rejected.

7) Claim(s) 5-9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/29/04, 1/18/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5-9 are objected to because of the following informalities: It appears that applicant intended to incorporate the limitation of claim 1 into claim 5 thereby making claim 5 and independent claim, however the dependency on claim 1 still remains in the claim. Please clarify if claim 5 is intended to be an independent claim in any response to this Office Action. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Condon et al., U.S. Patent 5,530,806, hereinafter Condon.

4. Referring to claim 1, Condon teaches in figures 2A and 2B the cell format definition for an ATM network and the packet format definition for Type 5 of the ATM Adaptation Layer (AAL). Generally, as shown in figure 2B, an AAL Type 5 packet (frame) will be comprised of a plurality of cells (packets). Each of the cells will include a cell header field, an HEC field (a header error portion) and a data field in the manner described in conjunction with figure 2A (column 5, lines 44-48). Figure 2A teaches a header that includes an eight bit Virtual Path

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Identifier (VPI) field and a 16 bit Virtual Channel Identifier (VCI) field (header section having a plurality of identification portions) (column 4, line 66 - column 5, line 1). In addition, the header includes a three bit payload type (PT) filed, which may be utilized to indicate whether the cell payload contains user information or network information (a label portion located before the header error portion) (column 5, lines 7-10). Returning to the description of figure 2B, Condon teaches that in addition, the final cell in the packet includes an eight byte packet trailer filed comprised of packet error and control information. The packet trailer includes a two byte packet length field and a four byte packet CRC field, which are utilized to implement packet-level error control (column 5, lines 61-64). Since the four byte packet CRC filed is used for packet-level error control, it will include error correction for the payload of the packet as well as for the packet length field.

5. Referring to claim 4, Condon teaches the apparatus described in reference to claim 1 above where it has been clearly shown in figures 2A and 2B that the 1 byte HEC is used for error correction of individual cell headers and the 4 byte Packet CRC is a second error check independent of the HEC.

6. Referring to claim 10, Condon teaches the apparatus described in reference to claim 1 above where it was clearly shown in figures 2A and 2B that the packets contain a data payload.

7. Referring to claim 12, Condon teaches the apparatus described in reference to claim 1 above and also teaches that the cell header includes a one bit cell loss priority (CLP) field which may be utilized to indicate lower-priority cells (control word) (column 5, lines 10-12).

8. Referring to claim 13, Condon teaches the apparatus described in reference to claim 1 above and clearly teaches the use of VPI/VCI which will identify the destination node.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Condon in view of Kawasaki, U.S. Patent 5,958,069, hereinafter Kawasaki.

11. Condon teaches the apparatus and method described in reference to claim 1 above with the possible exception that the network could be SONET, SDH or fiber optic. Kawasaki teaches a SONET terminal/ATM converter that extracts an ATM cell and converts the cell to the cell format within the switch by achieving cell synchronization from the payload of a SONET frame using an HEC byte (column 7, lines 30-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the teachings of Kawasaki could be applied to the teachings of Condon in order to enable interaction between an ATM network and a SONET network, which runs over a fiber optic network.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Condon in view of Tappan, U.S. Patent 6,473,421, hereinafter Tappan.

13. Condon teaches the apparatus and method described in reference to claim 1 above with the possible exception that the label portion comprises a Multi-Protocol Label Switching label portion. Tappan teaches in figure 5 the case of label-switching routers implemented in ATM switches. Tappan goes on to teach that the top label shown in the fifth row of figure 5 is represented by question marks which indicates that the top label's contents do not matter. The

reason why they do not is that the routing decisions based on those contents when the label-switching router is implemented as a conventional IP router are instead based on an ATM VPI/VCI filed in the header of an ATM cell when the label-switching router is implemented as an ATM switch (column 3, lines 33-55). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the teaching of Tappan regarding an ATM network could be incorporated into the teachings of Condon. One of ordinary skill in the art would have been motivated to do this because both Condon and Tappan are referring to ATM frame formats known as AAL5 that would typically be employed for user data (Tappan, column 3, lines 49-52).

***Allowable Subject Matter***

14. Claims 16-22 are allowed.

***Response to Arguments***

15. Applicant's arguments, see the 3<sup>rd</sup> paragraph of page 10 in the Amendment filed 18 October 2004, with respect to claims 17-20 have been fully considered and are persuasive. The rejection of claims 17-20 has been withdrawn.

16. Applicant's arguments with respect to claims 1, 3, 4, 10, 12, 13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George  
8 February 2005



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